

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA**

**STINA SHIPPING, LTD. and HOLY HOUSE
SHIPPING AB**

VERSUS

MILLARD REFRIGERATED SERVICES, INC.

CIVIL ACTION

NUMBER:

SECTION:

JUDGE:

MAGISTRATE:

COMPLAINT

COME NOW Plaintiffs Stina Shipping, Ltd. and Holy House Shipping AB (“Plaintiffs”) and state their complaint against Defendant Millard Refrigerated Services, Inc. (“Defendant”) as follows:

I.

This is an admiralty and maritime claim within the jurisdiction of the United States and this Honorable Court pursuant to 28 U.S.C. § 1333 and Rule 9(h) of the Federal Rules of Civil Procedure.

II.

At all material times, Stina Shipping, Ltd. was a foreign corporation or other limited liability company which owned the vessel M/V STINA (the “STINA”), which was a vessel in navigation and maritime commerce at all material times.

III.

At all material times, Holy House Shipping AB was a foreign corporation or other limited liability company which acted as the manager and/or agent of the STINA and/or her owners, responsible for certain aspects of her operation.

IV.

Upon information and belief, Defendant Millard Refrigerated Services, Inc. is a corporation or other business entity organized under the laws of a state other than the state of Alabama which has as its registered agent CT Corporation System at the registered office address of 2 North Jackson Street, Suite 605, Montgomery, Alabama 36104.

V.

Defendant Millard Refrigerated Services, Inc. has a business operation located in this judicial district, which operation includes refrigeration and/or cold storage of food products, including frozen chicken leg quarters, with these services being provided at Theodore, Alabama.

VI.

The acts of negligence and/or strict liability giving rise to this action all occurred at or near Theodore, Alabama, within this judicial district.

VII.

On Monday, August 23, 2010 at approximately 0850 a.m., noxious ammonia gas was released by the Millard Refrigerated Services, Inc. facility, said release occurring through the negligence, fault, strict liability or other liability of Defendant, the particulars of which will be established through discovery.

VIII.

An emergency evacuation of the terminal and crewmembers aboard ships docked at the terminal was ordered by local authorities. Nevertheless, crewmen from the STINA were exposed to the noxious ammonia gas and required medical attention.

IX.

The local authorities refused to allow anyone back into the vicinity of the ammonia leak, including the crewmen from the STINA, until the leak was secured and the area was declared safe for individuals.

X.

The STINA had been in the process of loading frozen chicken leg quarters, but these activities were necessarily terminated as a result of the hazardous release and/or mandatory evacuation.

XI.

Because the crewmen were not allowed to remain aboard the vessel, the vessel's refrigeration equipment could not be run, necessitating surveys and inspections of the cargo which further delayed the loading of the cargo aboard the vessel.

XII.

As a result of the aforementioned negligence and/or strict liability of defendant, plaintiffs itemize their damages as follows (which itemization is subject to revision as further information becomes available):

| | | |
|----|--|--------------------|
| 1. | Survey fees (ISG Global \$1,500.00; Sabine \$2,969.60) | \$4,469.60 |
| 2. | Marine chemists | \$1,995.00 |
| 3. | Lost hire, extra bunkers | \$35,592.00 |
| 4. | Extra Management services | \$17,150.00 |
| | TOTAL | \$59,206.60 |

XIII.

Plaintiffs allege that Defendant breached the warranty of workmanlike performance which stevedores owe to a vessel, entitling Plaintiffs to recover any and all damages sustained, including costs, attorneys' fees, and interest.

XIV.

Plaintiffs specifically reserve the right to supplement and/or amend their Complaint as discovery proceeds.

WHEREFORE, Plaintiffs Stina Shipping, Ltd. and Holy House Shipping AB pray for judgment against Defendant in the amount of \$59,206.60, plus interest, costs, and attorneys' fees. Plaintiffs also pray for all other and further relief which they may be entitled to receive at law, in equity or in admiralty.

Respectfully submitted,

PHELPS DUNBAR LLP

BY: s/ A. Grady Williams, IV
ALLEN E. "Teeto" GRAHAM
(GRAHA3109)
A. GRADY "Bo" WILLIAMS, IV
(WILLA1951)
2 N. Royal Street
Mobile, AL 36602
Telephone: (251) 432-4481
Telecopier: (251) 433-1820
Attorneys for Plaintiffs Stina Shipping,
Ltd. and Holy House Shipping AB

PLEASE SERVE, VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED, A COPY OF THE COMPLAINT ON DEFENDANT AS FOLLOWS:

Millard Refrigerated Services, Inc.

c/o CT Corporation System, Registered Agent
2 North Jackson Street, Suite 605
Montgomery, Alabama 36104